

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

April 3, 2023

Christopher M. Wolpert
Clerk of Court

BUREAU OF CONSUMER FINANCIAL
PROTECTION,

Plaintiff - Appellee,

v.

PROGREXION MARKETING, INC.;
PGX HOLDINGS, INC.; PROGREXION
TELESERVICES, INC.; eFOLKS, LLC;
CREDITREPAIR.COM, INC.; JOHN C.
HEATH, ATTORNEY AT LAW , PLLC,
d/b/a Lexington Law,

Defendants - Appellants.

No. 23-4032
(D.C. No. 2:19-CV-00298-BSJ)
(D. Utah)

ORDER

Before **BACHARACH** and **CARSON**, Circuit Judges.

Appellants move for a stay pending their appeal of the district court's order granting partial summary judgment to Appellee. To decide the motion, we consider four factors: (1) whether Appellants have made a strong showing that they will likely succeed on the merits; (2) whether they will suffer irreparable injury absent a stay; (3) whether a stay will substantially injure other interested parties; and (4) where the public interest lies. *See Nken v. Holder*, 556 U.S. 418, 434 (2009). Appellants have the burden to show that the circumstances justify a stay. *See id.* at 433–34.

We conclude that Appellants have not met their burden, and we deny their motion for a stay pending appeal. We vacate the temporary stay previously entered in this matter.

Entered for the Court

A handwritten signature in black ink, appearing to read 'C. Wolpert', with a long horizontal stroke extending to the right.

CHRISTOPHER M. WOLPERT, Clerk